

## AMENDMENTS TO THE CLAIMS

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1 (canceled).

2 (currently amended). An apparatus for establishing a communication link, comprising:

a negotiation data transmitter, associated with an initiating communication device, that transmits at least one carrier including first negotiation information bits representing a first list of dissimilar xDSL modulation transmission protocol capabilities to a responding communication device;

a negotiation data receiver, associated with the initiating communication device, that receives at least one carrier including second negotiation information bits representing a second list of dissimilar xDSL modulation transmission protocol capabilities of the said responding communication device, in response to said transmitted at least one carrier; and

a selector that selects an appropriate xDSL modulation transmission protocol common

to said first list of xDSL modulation transmission protocol capabilities and the second list of xDSL modulation transmission protocol capabilities in accordance with the said responding communication device to establish a communication channel, wherein said transmitted at least one carrier contains data related to a useable frequency spectrum carrier allocation, said transmission of said first negotiation information bits and said reception of said second negotiation information bits occurring prior to an initialization procedure to establish the communication link.

3 (canceled).

4 (currently amended). An apparatus for establishing a communication link, comprising:

    a negotiation data transmitter, associated with an initiating communication device, that transmits at least one carrier including first negotiation information bits representing a first list of dissimilar xDSL modulation transmission protocol capabilities to a responding communication device;

    a negotiation data receiver, associated with the initiating communication device, that receives at least one carrier including second negotiation information bits representing a second list of dissimilar xDSL modulation transmission protocol capabilities of the said

responding communication device, in response to said transmitted at least one carrier; and a selector that selects an appropriate xDSL modulation transmission protocol common to said first list of xDSL modulation transmission protocol capabilities and the second list of xDSL modulation transmission protocol capabilities in accordance with the said responding communication device to establish a communication channel, wherein said negotiation data transmitter transmits said at least one carrier in accordance with neighboring receiving systems, said transmission of said first negotiation information bits and said reception of said second negotiation information bits occurring prior to an initialization procedure to establish the communication link.

5 (previously presented). The apparatus of claim 4, wherein transmission characteristics of said transmitted at least one carrier is re-configurable during a transmission operation in order to minimize interference with the neighboring receiving systems.

6 - 8 (canceled).

9 (currently amended). A method for establishing a communication link, comprising: transmitting at least one carrier that includes first negotiation information bits representing a first list of dissimilar xDSL modulation transmission protocol capabilities to

a responding communication device;

receiving at least one carrier that includes second negotiation information bits representing a second list of dissimilar xDSL modulation transmission protocol capabilities of the responding communication device, in response to the transmitted at least one carrier; and

selecting an appropriate xDSL modulation transmission protocol common to the first list of xDSL modulation transmission protocol capabilities and the second list of xDSL modulation transmission protocol capabilities in accordance with the received at least one carrier to establish a communication channel, wherein the transmitted at least one carrier comprises transmitting the at least one carrier in accordance with neighboring receiving systems, the transmission of the first negotiation information bits and the reception of the second negotiation information bits occurring prior to an initialization procedure to establish the communication link.

10 (previously presented). The method of claim 9, further comprising re-configuring the transmitted at least one carrier to minimize interference with the neighboring receiving systems.

11 - 41 (canceled).

42 (previously presented). The method of claim 9, further comprising transmitting the at least one carrier with data related to a useable frequency spectrum carrier allocation.

43 (currently amended). An apparatus for establishing a communication link, comprising:

a negotiation data transmitter, associated with an initiating communication device, that transmits first negotiation information bits representing a first list of dissimilar xDSL modulation transmission protocol capabilities to a responding communication device;

a negotiation data receiver, associated with the initiating communication device, that receives second negotiation information bits representing a second list of dissimilar xDSL modulation transmission protocol capabilities of the said responding communication device, in response to said transmitted first negotiation information bits; and

a selector that selects an appropriate xDSL modulation transmission protocol common to said first list of xDSL modulation transmission protocol capabilities and the second list of xDSL modulation transmission protocol capabilities in accordance with the said responding communication device to establish a communication channel, wherein said transmission of said first negotiation information bits and said reception of said second negotiation information bits occurs prior to an initialization procedure to establish the communication link.